

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

CASEY ROBINSON,

Plaintiff,

v.

Civil Action No. 2:18-cv-00896

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant.

COMPLAINT

1. This Court has jurisdiction of this civil action under the provisions of 29 U.S.C. § 1132(e)(1). Plaintiff's claims are brought pursuant to the provisions of 29 U.S.C. § 1132(a)(1)(B).

2. Plaintiff was employed by Morgan Stanley & Co. in Kanawha County, West Virginia ("Morgan Stanley"). Morgan Stanley offered an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1)(A), providing, among other benefits, long term disability benefits to eligible employees. Defendant Metropolitan Life Insurance Company administered and insured the long term disability benefit plan provided by the Morgan Stanley.

3. Plaintiff is an individual and a resident of Charleston, Kanawha County, West Virginia. Plaintiff is an eligible beneficiary under the Morgan Stanley Plan.

4. Plaintiff applied for long term disability benefits under the terms of the Morgan Stanley Plan and submitted sufficient evidence in support of his disability in accordance with the terms of the plan.

5. Defendant approved plaintiff for benefits for the period from November 29, 2012 through November 28, 2014. Defendant arbitrarily and capriciously denied plaintiff's entitlement to disability benefits from and after November 29, 2014.

6. Plaintiff exercised his right to an administrative appeal of defendant's decision to deny him benefits from and after November 29, 2014, which appeal was denied by defendant Metropolitan Life Insurance Company on January 24, 2018.

7. The actions of the defendant set forth above were an abuse of discretion, were arbitrary and capricious, were taken for reasons other than the defendant's obligations to act in the best interests of the participants of the Morgan Stanley Plan and were clearly wrong under the terms of the Morgan Stanley Plan.

8. Plaintiff is entitled to receive long term disability benefits under the terms of the Morgan Stanley Plan.

WHEREFORE, plaintiff demands the following relief:

A) Recovery of all benefits due to him under the terms of the Morgan Stanley Plan pursuant to 29 U.S.C. § 1132(a)(1)(b);

B) Prejudgment interest as provided by law;

C) His attorney fees and the costs of this action pursuant to 29 U.S.C. § 1132(g)(1); and

D) Such other and further relief as the Court deems appropriate.

CASEY ROBINSON,
By Counsel

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